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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/635,925 | 08/05/2003 | Richard Hull | B-5190 621139-0 | 1058 |

7590 08/01/2005

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

CAI, WAYNE HUU

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2681

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,925

Applicant(s)

HULL ET AL.

Examiner

Wayne Cai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 15-22, 28, 30 is/are rejected.
- 7) ☒ Claim(s) 8-12, 14, 23-27, 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/5/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/04/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 15, 16, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraki et al (hereinafter Fraki) (US 2002/0161666 A1) in view of Lehtikainen et al (hereinafter Lehtikainen) (US – 6,847,823 B2).

Regarding claims 1, and 16, Fraki discloses a method, and an arrangement of retrieving a data item to a mobile device carried by a first user visiting a real-world space, the data item being available from a service system to mobile devices of users visiting the space; the method comprising the steps of:

(a) seeking to retrieve the data item to the first user's mobile device by transfer from another mobile device in said space (paragraph 0020);

Lehtikainen discloses a system and method for accessing local services with a mobile terminal. Lehtikainen discloses in the event that is unsuccessful, retrieving the data item to the first user's mobile device by transfer from the service system (col. 7, lines 1-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve the method of retrieving the data item by having an alternative options to retrieve data if the first option fails.

Regarding claims 15, and 30, Fraki and Lehtikoinen disclose a method, and an arrangement according to claims 1, and 16 as described above, except for a transfer effected in step (a) is effected using a communications mechanism that is different to that used for a transfer effected in step (b). It is however obvious to one skill in the art that the communications mechanism between step (a) and (b) is different.

3. Claims 2-7, 13, 17-22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraki in view of Lehtikoinen, and in further view of Kabala (US – 6,539,393 B1).

Regarding claims 2, and 17, Fraki and Lehtikoinen both disclose a method, and an arrangement according to claims 1, and 16 as described above, except for the data item is associated with a location in said space, step (a) being initiated as the user approaches or is at that location and including carrying out an enquiry limited to mobile devices that are, or are likely to be, near the first user or said location, to identify a mobile device, if any, holding the data item.

In a similar endeavor, Kabala discloses a portable locator system. Kabala further discloses for the data item is associated with a location in said space, step (a) being initiated as the user approaches or is at that location and including carrying out an enquiry limited to mobile devices that are, or are likely to be, near the first user or said location, to identify a mobile device, if any, holding the data item (abstract, fig.1, and its descriptions).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a step of retrieving data item based on a location so that only interest or related information is transmitted to the user.

Regarding claims 3, and 18, Fraki, Lehtikoinen, and Kabala disclose a method, and an arrangement according to claims 2, and 17 as described above. Fraki discloses wherein said enquiry is limited to mobile devices near the mobile device of the first user by having that device make the enquiry by using a short-range communications means to ask other mobile devices if they have the data item (paragraph 0020).

Regarding claims 4, and 19, Fraki, Lehtikoinen, and Kabala disclose a method, and an arrangement according to claims 2, and 17 as described above. Fraki discloses wherein said enquiry is limited to mobile devices near the mobile device of the first user or near the location associated with the data item, by monitoring the locations of the mobile devices in said space (paragraph 0020).

Regarding claims 5, and 20, Fraki, Lehtikoinen, and Kabala disclose a method, and an arrangement according to claims 2, and 17 as described above. Fraki discloses wherein said enquiry is limited to mobile devices likely to be near the mobile device of the first user by pre-defining a set of mobile devices which are associated with users belonging to the same visit group (paragraph 0076, i.e., both users are detected in the same vicinity and agreed to make communications).

Regarding claims 6, and 21, Fraki, Lehtikoinen, and Kabala disclose a method, and an arrangement according to claims 2, and 17 as described above.

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Fraki also discloses in step (a) said enquiry is carried out by the first user's mobile device (paragraph 0076).

Regarding claims 7, and 22, Fraki, Lehtikoinen, and Kabala disclose a method, and an arrangement according to claims 2, 17 as described above.

Fraki also discloses in step (a) said enquiry is carried out by the service system at the prompting of the first user's mobile device, the service system identifying back to the first user's mobile device at least one device holding the data item where the enquiry identifies any such device (paragraphs 0077-0078).

Regarding claims 13, and 28, Fraki, and Lehtikoinen disclose a method, and an arrangement according to claims 1, and 16 as described above. Fraki, and Lehtikoinen fail to disclose wherein multiple data items each with a respective associated location in said space are available from the service system, the method further comprising an on-going process in which said space is treated as divided into zones and, for each zone, the service system causes the mobile devices in the zone to load data items associated with locations in that zone beyond the normal needs of the devices whereby to increase the likelihood of step (a) being successfully effected from a mobile device in the same zone as the first-user's mobile device.

In similar endeavor, Kabala discloses a portable locator system. Kabala further discloses wherein multiple data items each with a respective associated location in said space are available from the service system, the method further comprising an on-going process in which said space is treated as divided into zones and, for each zone, the service system causes the mobile devices in the

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zone to load data items associated with locations in that zone beyond the normal needs of the devices whereby to increase the likelihood of step (a) being successfully effected from a mobile device in the same zone as the first-user's mobile device (col. 4, lines 11-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a step of divide into zones so that information needs to be retrieved is associated only with a particular location.

Allowable Subject Matter

4. Claims 8-12, 14, 23-27, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

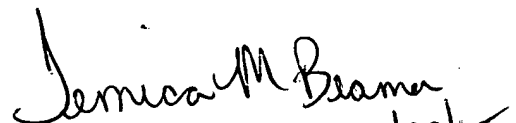
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wayne Cai
Examiner
Art Unit 2681



TEMICA BEAMER
PRIMARY EXAMINER

7/23/05